





MEMORANDUM

November 2, 2011

TO: Planning Commission

FROM: Cindy Kebba, Planner III 

VIA: David Levy, Chief of Long Range Planning 

SUBJECT: *Rockville's Pike: Envision a Great Place* – Work Session #12
Form Code standards - continued

On November 9, 2011, the Planning Commission will hold a work session on the draft Rockville Pike Plan, which can be found at <http://www.rockvillemd.gov/rockvillespike/2010DraftPlan/index.html>. This session will continue the discussion of form code recommendations, particularly those concerning the South Pike Urban Corridor Street Frontage, which was begun on October 12 and continued on October 26. The form code is presented in Chapter 6 of the draft plan.

The South Pike Urban Corridor Frontage - continued discussion

At the October 12 work session, the Planning Commission reviewed the South Pike Urban Corridor standards on pages 28-30 of the form code with plan consultants, Gianni Longo and Kim Littleton, and had the opportunity to ask questions and obtain clarification.

For the October 26 work session, staff provided the Commission with a strike-through version of the standards for that frontage, based on public testimony, consultants' explanations and clarifications, expressed concerns of Commissioners, and staff-identified issues. The Commission used this strike-through version as the working tool for the October 26 session. At that meeting, the Commission went through the Building Placement standards and the Use standards for ground and upper floors on page 28 of the draft form code. The Commission took straw votes on those standards which are summarized below and shown in green print on Attachment 1.

I. October 26 "straw votes"¹

- Block size maximum standards should be eliminated throughout the Plan area, except in the case of the Woodmont Country Club frontage in the event of its redevelopment. Even in this location, block standards in the code should be treated as guidelines rather than strict requirements.² The street master plan (Draft Plan Figure 5.13), as amended by the Planning Commission, should serve as the block requirements for all other portions of the Plan area.

¹ All straw votes refer to the South Pike Urban Corridor Street Frontage, unless otherwise specified.

² This item will be revisited when the Planning Commission focuses on the Middle Pike frontages

- Eliminate the maximum lot size (width and depth) standards. Staff recognizes that the Planning Commission has expressed interest in promoting variety and diversity of architecture and suggests that this be a consideration when the Commission reviews the draft form code's architectural standards.
- The front build-to line will be adjusted based on the Pike cross-section(s) selected. Alternatives 2 and 9, tentatively selected by the Commission, would move the build-to line to 58 feet from the property line, as compared to 40 feet in the draft plan.
- At least 70% of the building façade fronting the “primary street” (the Pike is the primary street for this frontage) should be built at the build-to line, as compared to 80% recommended in the draft plan. (See section II below for staff's recommendation on how this might be calculated).
- Any lot section along the primary street build-to line not defined by a building must be defined by some demarcation, which could include a wall, vegetation, a change in paving material, or other delineating material. (The draft plan requires that it be a 2.5-foot to 4.5-foot stucco or masonry wall).
- The side street build-to line is 0 feet, which is at the sidewalk on side streets.
- At least 50% of a building façade on a side street should be built at the build-to line.
- The 0-foot side setback (between buildings on a block) should only extend 40 feet back from the front build-to line so that there is continuous building at the sidewalk along the Pike, subject to the 70% build-to requirement, but areas for open space could be allowed between buildings toward the rear. If a side setback were to be created between lots, the setback would need to meet the City's building code requirements for separation of buildings.
- The 25-foot rear setback for buildings should be a minimum rather than an exact standard.
- Residential uses should be allowed on ground floors, if they are located at least 40 feet back from the build-to line so that ground floor residential units are not facing the Pike. Lobby entrances to residences are permitted along this frontage.
- Retail should be allowed on all upper floors as well as on ground floors. (This change would mean that a building could have retail as the only use, rather than being mixed with office, residential, or other uses).
- The minimum retail depth requirement should be eliminated.
- Building heights should be regulated by maximum number of stories rather than by feet.

II. Continue discussion on the following and take straw votes:

Two discussion items listed below were raised but not resolved at the October 26 meeting. Staff recommends that the Planning Commission continue the discussion on these items and take straw votes on decisions.

- Calculation of build-to line requirement:

The Planning Commission's straw vote (mentioned above) determined that 70% of a building façade on the primary street in this frontage should be built to the build-to line. It was not determined at the meeting how that percentage should be calculated, however.

Staff suggests that the 70% of primary street façade that is required to be built to the build-to line be applied to the first two floors, and that developers be given flexibility as to how they will achieve the standard. A developer who places 100% of the building at the street level build-to line would only need to place 40% of the second story at the build-to line. They would have the flexibility to do the reverse, as well – placing 40% of the first floor facade at the build-to line and the entire second story façade at the build-to line – and anything in between.

- Building height maximum:

As stated on the October 26 memorandum (Attachment 2), Staff recommends that maximum heights of buildings with the South Pike Urban Corridor frontage (meaning buildings that actually front the east and west sides of the South Pike) be 11 stories, with up to two additional stories permitted based on specified conditions.

The recommendation for this height is based on the following:

- All of the South Pike Urban Corridor frontage is within 1/2 mile (geodesic distance, i.e., “as the crow flies”) of the Twinbrook Metro Station and most is within 1/2 mile walking distance when following the street network. (See Attachment 3 which shows existing zoning, form code frontages, and 1/4 and 1/2 mile distances from the Twinbrook Metro Station).
- The east side of the South Pike is currently zoned MXTD. Heights of up to 120 feet (roughly equivalent to 11 stories) at the street are allowed where recommended by the Plan or where approved by the Mayor and Council as part of a Project Plan. Under conditions described in Section 25.13.05.2(a), building height may be increased up to 150 feet (roughly equivalent to 13 stories).
- The west side of the South Pike is currently zoned MXCD. Heights of up to 75 feet at the street (roughly 7 stories) may be allowed where recommended by the Plan or where approved by the Mayor and Council or Planning Commission as part of a Project Plan or site plan. The 1989 Rockville Pike Plan provides the recommendation that supports 75 feet in this location.
- Currently allowed building heights fronting the Pike on the east side of the South Pike, under the existing zoning ordinance, are double the height allowed across the street on the west side.
- The draft Rockville Pike Plan recommends a minimum building height of 7 stories in the South Pike Urban Corridor, on both sides of the street, with the option of one additional story based on meeting certain environmental goals. Adopting this recommendation would reduce heights on the east side of the Pike from what is currently permitted; from approximately 11 stories to 7 stories (or from approximately 13 stories to 8 stories when additional stories are permitted).
- A difference between zoning by the form code’s street frontages and traditional lot zoning is that a building that is regulated by street frontage will be subject to multiple height standards if it has multiple frontages, whereas an entire lot is subject to the same standards, including height, with lot zoning. Regulating by street frontage, rather than entire lots, may provide more flexibility to ensure that higher permitted building heights for Pike-fronting properties do not extend toward the residential areas outside of the corridor. In fact, the draft plan recommends stepping down heights, with the Urban Neighborhood frontage (on Jefferson Street) permitting no higher than 4 stories.
- We have received some testimony that regulating for a maximum of 7 stories will likely result in buildings of no more than 5 stories because of the significant increase in construction costs when switching from wood to steel frame.³ Building more than 5 stories typically requires steel-frame construction rather than wood. Steel construction may not make economic sense to a developer until a certain height (typically at

³ Market conditions, evolving technology, and changes to the relative costs of wood and steel can impact the cost differential.

least 10 stories) can be achieved where the additional square footage or units provided justifies the added costs.

III. Straw votes on remaining standards:

Staff recommends that the Commission continue where it left off at the last meeting, at the bottom of page 28 under the sub-category Height, and continue through pages 29 and 30 to cover Parking, Encroachments, and Land Use Types, using Attachment 1 as the discussion tool. The October 26, 2011 staff memorandum that provides explanations of the standards and staff's recommendations is also attached (Attachment 2).

IV. Next Steps

- Staff recommends that the Planning Commission direct staff to return to the Planning Commission with recommended changes to staff's strike-through version of the entire South Pike Urban Corridor Street Frontage based on the results of the straw votes from the October 26 and November 9 sessions. Staff also recommends that the next work session discussion be broadened to include the other street frontages.
- Staff recommends that the Planning Commission discuss the work session calendar at the November 9 meeting as the form code is taking more time to work through than was originally scheduled. There are other topics, such as financing and outstanding transportation issues, that will need to be scheduled.

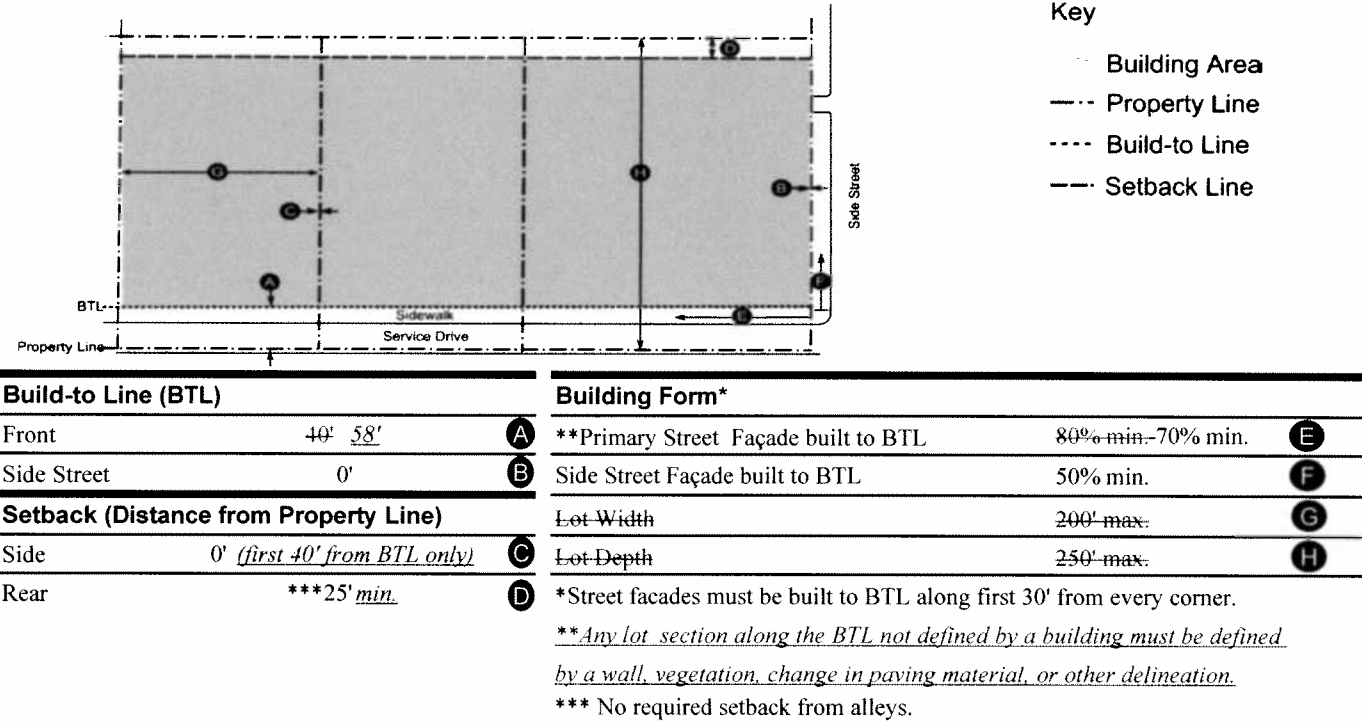
Attachments:

1. South Pike Urban Corridor Building Form Standards, pp. 27- 30, with Commission (green) and staff (red/blue) strike-throughs
2. October 26, 2011 staff memorandum to Planning Commission
3. Map showing existing zoning, form code frontages for the South Pike area and distances from the Twinbrook Metro station map

cc: Susan Swift
Andrew Gunning
Mayra Bayonet
Clark Larson
Deane Mellander
Craig Simoneau
Emad Elshafei
Peter Campanides

Table 1.2.3.A: South Pike Urban Corridor Street Frontage

BUILDING PLACEMENT



HEIGHT & USE

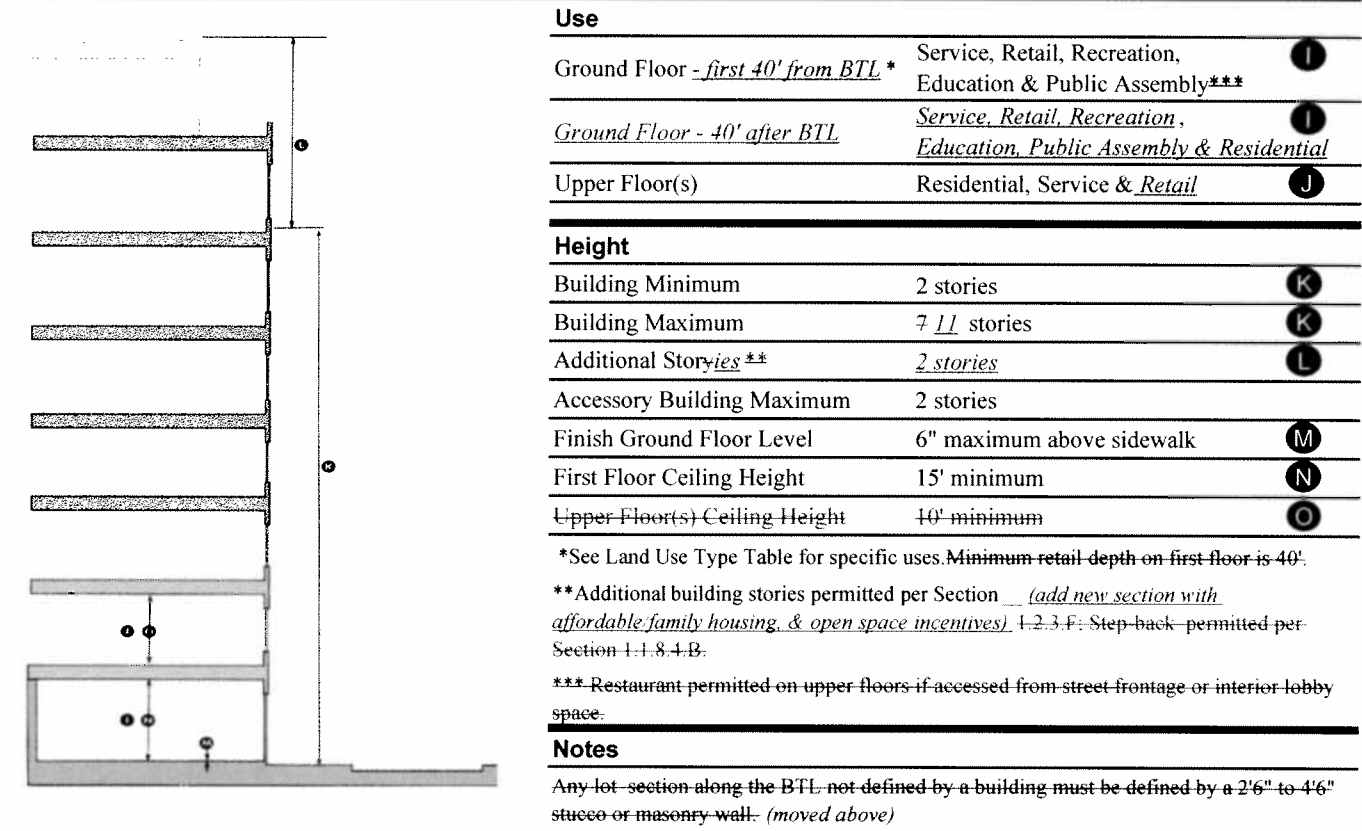
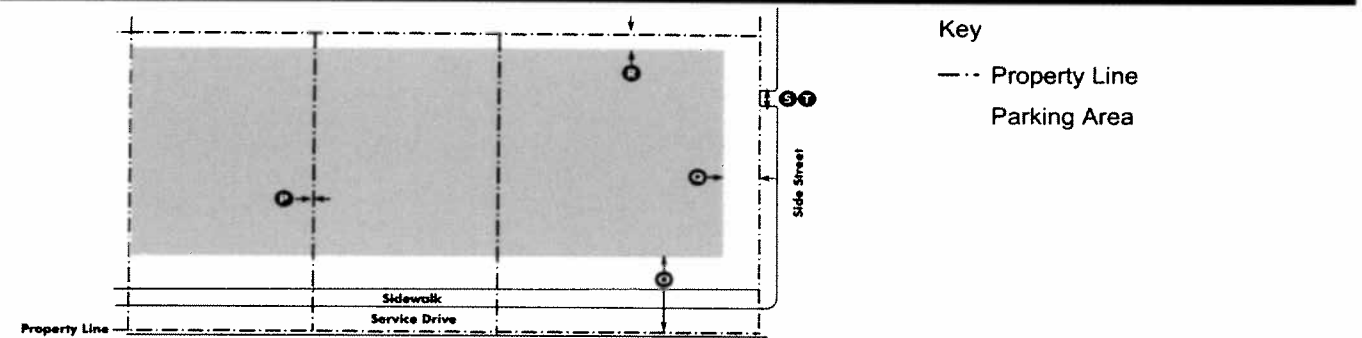


Table 1.2.3.A: South Pike Urban Corridor Street Frontage

PARKING



Location (Distance from Property BTL Line)*		Notes	Additional Standards
Front Setback	65' 25' minimum	O	Parking Drive Width*** 18' max. S
Side Setback	0' minimum	P	On corner lots, parking drive shall not be located on primary street. T
Side Street Setback	25' minimum	Q	Parking may be provided off-site within 1,300' or as shared parking
Rear Setback	5' minimum	R	Bicycle parking must be provided and in a secure environment per Section 25.16.09

Required Spaces**	Allowed with Commission Approval	Zoning Code Standard
Ground Floor		
Total uses ≤ 3,000 sf	No off-street parking required	No off-street parking required
Total uses > 3,000 sf	1 space per 600 sf	See Section 25.16.03 for parking requirements by use type
Upper Floors		
Residential Uses	1 space per unit; .5 per studio	See Section 25.16.03 for parking requirements by use type
Total other Uses	1 space per 800 sf	See Section 25.16.03 for parking requirements by use type

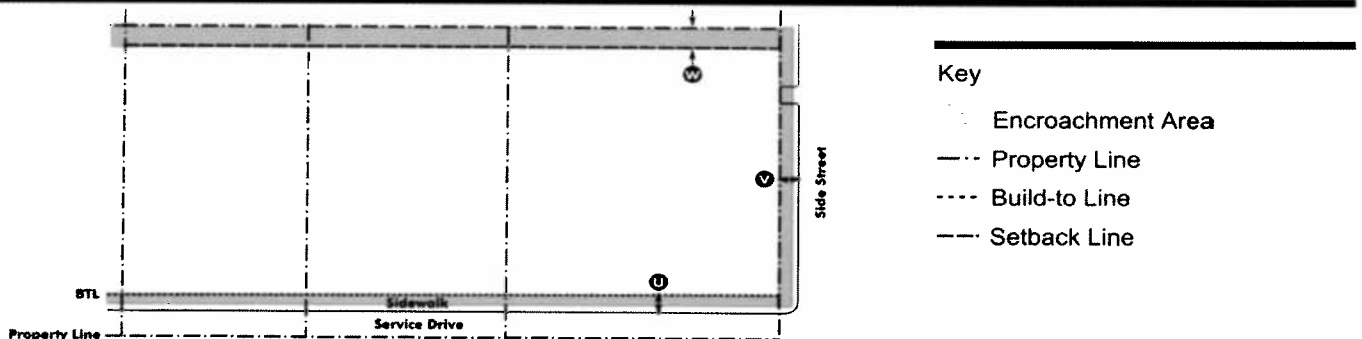
Notes

* Parking area setbacks do not apply to underground parking, which may be located up to the property line

** Parking requirements based on square footage are calculated based on total gross leasable square feet for all combined uses on a project site.

*** Parking drives are highly discouraged along Rockville Pike and are permitted if there is no other option for access to parking areas.

ENCROACHMENTS



Location*	Frontage Types	See Table 1.7
Front	12' max.	U Arcade
Side Street	8' max.	V Gallery
Rear	4' max.	W Shopfront & Awning

Notes

* Encroachments located over any utility easements shall be constructed to be easily removable or maintain a clear height of x feet

** Encroachments that exceed a width of more than 20% of the linear building façade of each story at the BTL shall require Commission approval

Table 1.2.3.A: South Pike Urban Corridor Street Frontage

LAND USE TYPE	Approval Required
Recreation, Education, and Public Assembly	
Commercial Recreation Facility: Indoor	P
—<1500 sf	P
—>1500 sf	C
Health/ Fitness Facility	P
—<1500 sf	P
—>1500 sf	C
Library, Museum	P
Meeting Facility, public or private	P
Park, Playground	P
School, public or private	P
School: art, dance, martial arts, music, etc.	P
—<1500 sf	P
Theater, cinema, or performing arts	P
—<1500 sf	P
—>1500 sf	C
Transport., Communication, Infrastructure	
Parking facility, public or commercial	P
Wireless telecommunication facility	C

(Need to address whether to allow Institutional, Temporary, Gas/Service Station, and Auto Dealership/Repair uses)

Key*	
P	Permitted Use Type
C	Conditional Use Type (See Section 1.10.5)
NP	Not Permitted

* Use types not listed are not permitted.

LAND USE TYPE	Approval Required
Residential	
Home Occupations	P
—<3000 sf and 2 or fewer employees	P
—>3000 sf and 3 or fewer employees	P
—>3000 sf and 3 or more employees	C
Mixed-use project, res. component	P
Dwelling: Multi-Family (Townhouse and Flats)	P
Accessory Building	P
Retail	
Bar, tavern, night club	C
General retail, except:	P
Alcoholic beverage sales	C
Restaurant, café, coffee shop	P
Drive-Through	C
Services: Business, Financial, Professional	
ATM	P
Bank, Financial services	P
Business support services	P
Medical services: Clinic, urgent care	P
Medical services: Doctors office	P
Office: Business service	P
Office: Professional, administrative	P
Services: General	
Bed & Breakfast	P
—4 guest rooms or less	P
—Greater than 4 guest rooms	P
Day care center: Child or adult	P
Lodging	P
Personal services	P
Building Types	See Table 1.6
Commercial Block	
Liner Building	
Stacked Flats	
Townhouse/Stacked Flats	



MEMORANDUM

October 20, 2011

TO: Planning Commission

FROM: Cindy Kebba, Planner III

VIA: David Levy, Chief of Long Range Planning

SUBJECT: *Rockville's Pike: Envision a Great Place* – Work Session #11
Form Code standards - continued

On October 26, 2011, the Planning Commission will hold a work session on the draft Rockville Pike plan, which can be found at <http://www.rockvillemd.gov/rockvillespike/2010DraftPlan/index.html>. This session will continue the discussion of Form Code recommendations, particularly those concerning the South Pike Urban Corridor Street Frontage, which was begun on October 12. The form code is presented in Chapter 6 of the draft plan.

The South Pike Urban Corridor Frontage - continued discussion

At the October 12 work session, the Planning Commission reviewed the South Pike Urban Corridor standards on pages 28-30 of the form code with the plan consultants and had the opportunity to ask questions and obtain clarification. This session followed the September 28 work session in which two development and business-oriented panels discussed various aspects of the form code and the submitted public testimony.

In order to advance the discussion, staff has attempted to incorporate testimony, expressed concerns of Commissioners, and staff-identified issues, and has produced a strike-through version of the South Pike Urban Corridor Street Frontage (Attachment 1). Staff proposes to use the strike-through version as the primary discussion tool for the work session.

Staff recommends that the Planning Commission use this work session to provide direction on these changes and any other amendments it wishes to make to the standards for this frontage by taking straw votes. Recommended straw votes are included throughout this memorandum. These preliminary decisions will provide a basis for reviewing all of the other frontages which we anticipate will begin at the November 9 meeting.

Block sizes and dimensions

The draft plan's block standards incorporate an approach for the applicant to use in creating blocks that the consultants recommend as optimally-sized, along with a more interconnected street network. Staff generally supports reducing block sizes, in order to provide more vehicular and pedestrian options, but has identified some areas of needed adjustment in the form code.

The draft plan states (p. 45) that sites larger than two acres must be subdivided further to create additional blocks. However, discussions with the consultants have revealed that the actual intent is to create blocks that are no larger than four acres in area.

In addition, the draft plan states that no block face shall have a length greater than 500 feet without an alley, common drive, access easement or pedestrian pathway providing through-access to another street, alley, common access easement, or street-space, and that the perimeter of any block must not exceed 1,600 feet. For reference, a perimeter of 1,600 feet (if 400 feet by 400 feet) equates to about 3.7 acres.

Blocks are identified in the plan area using existing streets and added street network to create the street grid of the Rockville Pike Street Master Plan, shown on page 5.15. However, many of these blocks have a perimeter greater than 1,600 feet and/or block faces longer than 500 feet.

The consultants do not recommend adding more streets than are shown in the street master plan, as they feel that the street master plan is calibrated to create optimal walking conditions. An exception to this approach would be the Woodmont Country Club frontage, where a more finely grained street grid would be both appropriate and possible if that area were to be developed. The street pattern and street types that would be created at Woodmont would depend on the type of development proposed. In general, the consultants have verbally recommended that areas that exceed four acres and do not have a plan recommendation for a street grid (i.e. portions of the Middle and North Pike) be subject to the 1,600-foot perimeter and 500-foot block face maximums and that those standards be more flexible in the South Pike where the street grid is established by the street master plan.

Staff recommends that the block size maximum standards be eliminated, except in the case of the Woodmont Country Club frontage in the event of its redevelopment, and that the block standards be treated as guidelines rather than strict requirements in this location.

Lot sizes and dimensions

The draft plan requires that lots be introduced on each block to correspond with the appropriate street frontage standard upon redevelopment and that each lot be designed to receive one building. All lots would be required to share a frontage or build-to line with a street. Maximum lot width and depth are determined by the street frontage.

The proposed maximum lot sizes vary between 30,000 and 50,000 square feet throughout the planning area, depending on street frontage. The South Pike Urban Corridor Frontage proposes a maximum lot width of 200 feet and a maximum lot depth of 250 feet. Some frontages have smaller maximum lot dimensions.

As buildings are anticipated to be built from lot line to lot line, smaller lot sizes can help provide greater variation of floor heights, fenestration, façade articulation, roof lines, etc. along a block. Although this variation could be achieved through architectural standards, the consultants have argued that regulating lot size is a better way to ensure that blocks will have real variety, rather than superficial or artificial variety. Under this regulatory structure, each block will necessarily consist of individual buildings rather than one large building that is articulated to appear as more than one.

Public testimony has challenged the practicality of limiting lot sizes to 200 feet by 250 feet, especially in the context of requiring structured parking. In particular, this was noted in testimony received from an architect hired by Woodmont Country Club to analyze the form code's impact on developing their Pike frontage property (testimony # 129).

Staff recommends allowing greater flexibility in lot sizes, either by eliminating the standard altogether or by being explicit about allowing for deviation from the standard, perhaps under specified conditions. Attachment 1 shows the standard eliminated for this frontage.¹

¹ The Woodmont Country Club property is not part of the South Pike Urban Corridor Street Frontage

Straw Votes:

Does the Planning Commission support limiting block and lot sizes? If so, are the standards presented in the draft plan appropriate? How much flexibility, if any, should be codified in the standards and/or in the ability for a developer to deviate from the standards?

Building Form Standards (Section 1.2 of the draft form code)

All projects within the Pike corridor would need to comply with the standards of the applicable street frontage(s) in the proposed code in order to be eligible for administrative review. These are the “Building Form Standards.” Proposed modifications to the standards, if in keeping with the goals of the plan, could be submitted for review by the Planning Commission.

Building form standards define the physical form of the built environment by establishing specific physical and use parameters for each street frontage and general standards for all areas. The “street frontage” is the way a building engages the public realm and ensures that, after a building is located properly, its interface with the public realm and the transition between the two are detailed appropriately.

The building form standards for each street frontage are included within the categories presented below. However, the examples discussed here focus specifically on the South Pike Urban Corridor Street Frontage.

Building Placement (page 28, top half of page)

A graphic is provided at the top of page 28 to guide building placement. The build-to line² facing Rockville Pike is set back 40 feet from the property line. In the draft plan cross section, this 40-foot area contains the access road, on-street parking, sidewalk, and landscaped median that separates the through lanes from the local access lanes. The property line in this case begins 60 feet from the center line of Rockville Pike because of the State’s 120 feet of right-of-way. As a result, the build-to line would be a total of 100’ from the center line of Rockville Pike (resulting in an overall recommended 200’ from building face to building face on the Pike). The 1989 plan placed the build-to line for the Pike at 135’ from the center line, resulting in 270’ from building face to building face.

The Planning Commission made a preliminary decision on July 27 to replace the draft plan’s boulevard cross section with two alternatives. These alternatives were selected from a series of options that staff presented to the Commission, based on parameters identified by the Commission on June 22. Both alternatives place the build-to line 58 feet from the property line, so the 40-foot build-to line under the building placement section of the building form standards would be replaced with 58 feet if either of these alternatives is finally selected (subject to further modifications). This change places the buildings 18 feet farther from the roadway centerline than is proposed in the draft plan, resulting in a total of 7.8 acres less of useable private land in the corridor.

A 25-foot rear setback is required unless there is an alley present, in which case no rear setback is required from the alley. There is no setback from the property line on side streets, meaning that buildings are to be built right up to the sidewalk.

There is another type of “side” setback presented in the code: the amount of distance that one building may be from another, across a property line. The draft recommends that buildings be immediately adjacent to each other on the Pike, resulting in the zero-foot setback in the code for this frontage.

While staff supports a zero setback within each block on the South Pike corridor facing the Pike, staff believes that more flexibility is warranted behind the street front. Staff recommends that this zero side setback only extend 40 feet back from the front build-to line so that there is continuous building at the sidewalk, but areas for open space could be allowed between buildings toward the rear. If a side setback were to be created between lots, the setback would need to meet the City’s building code requirements for separation of buildings.

² A build-to line is the setback dimension along which a building façade must be placed.

At least 80% of the building façade fronting the “primary street” must be built at the build-to line under the form code. The consultants have stated that a primary street is intended to be the street that a building’s main entrance faces.³ This compares to the 50% build-to line requirement in the 1989 Pike Plan and the 70% build-to line requirement in the zoning ordinance for mixed use zones where a build-to line is established by the plan. The form code’s build-to line at a side street is a minimum of 50%.

The draft code includes a notation that any lot section along the build-to line not defined by a building must be defined by a 2’6” to 4’6” stucco or masonry wall. Staff recommends that this note be amended to allow for other delineations besides a wall, such as shrubbery or a change in paving material.

The first 30 feet from every corner must be built at the build-to line, with the exception of corner buildings that are meant to be chamfered at specified intersections.

Straw Votes: Does the Planning Commission support the draft plan recommendation to require a greater percentage (80%) of the building façade at the build-to line than is required by the 1989 plan (50%) and the current zoning ordinance (70%)? Does the Commission support the draft plan recommendation to require 50% of the building façade to be at the build-to line on side streets?

Does the Planning Commission support the recommendation to require that a wall be placed at the build-to line at all points where the building façade is not present in order to provide spatial containment, or does the Commission agree with staff’s recommendation to allow for other delineations to serve this purpose?

Height and Use (page 28, bottom)

Ground floor uses in the South Pike Urban Corridor frontage are restricted to service, retail, or recreation, education and public assembly. Specific recreation, education and public assembly uses are identified on page 30 under land use types. Staff recommends that residential uses also be allowed on ground floors in this street frontage, with the caveat that they be restricted to 40 feet behind the build-to line on ground floors. This caveat is recommended because staff agrees with the consultants that the uses actually fronting the Pike in the South Pike Urban Corridor should be pedestrian-oriented.

The form code restricts upper floor(s) to residential and service uses, which are also detailed on page 30. Although the draft plan does not allow it as written, the consultants verbally acknowledge that retail could be allowed on the second story (such as a two-story store that is adapted to an urban form) if at least one other story is added on top of that with a different use to support the intent of mixing uses vertically.

Staff recommends that retail uses be allowed on all upper floors in this frontage. This could potentially result in a building that is entirely retail, which does conflict with the consultants’ recommendation to require a vertical mix of uses for buildings in this frontage.

The form code’s minimum retail depth on the ground floor is 40 feet. The consultants’ intent for this minimum depth was to create viable retail spaces, but there has been testimony that this may require more retail than the market will support and would prohibit certain shallow, but possibly desirable, retail uses such as a small carry-out or news stand. Staff recommends that this retail depth minimum requirement be deleted.

Staff supports permitting flexibility in retail form and location, but also supports the code’s requirement that the ground floors of buildings with the South Pike Urban Corridor Street Frontage be designed and built to accommodate retail-type uses because this frontage is envisioned to be one of the most pedestrian-oriented frontages in the plan area.

Buildings in this street frontage, as well as throughout the plan area, must be at least two stories in height. This minimum height is required to better allow for a vertical mix of uses and to present a façade that is more consistent

³ Primary and side streets need to be better defined in the code because it is not always clear which is primary and which is side, especially when two of the same frontages meet at an intersection.

with the plan vision than would likely be accomplished by a single-story building. Staff agrees with the two-story minimum for this frontage, but not necessarily for all frontages.

A diagram of building and ceiling heights is provided at the left side of page 28. The form code regulates building height by maximum number of stories rather than by feet. Measuring by stories is more likely to result in greater variation because ceiling heights, interstitial space between floors, and roof forms will be different among buildings.

The building height maximum in the South Pike Urban Corridor is 7 stories. We have received testimony that building heights are too high and other testimony that proposed heights are too low in various portions of the plan area, as noted in staff's September 7 memorandum.

Because this frontage is located less than a mile from the Twinbrook Metro Station and close to other developments that have or will have higher density, staff recommends that maximum building heights be increased to 11 stories for this frontage, with the option for up to two additional stories, contingent on meeting certain requirements. These heights are very similar to the 120-foot and 150-foot heights already codified in the existing MXTD zone. The east side of the South Pike Urban Corridor frontage is currently zoned MXTD, while the west side is zoned MXCD.

In the draft form code, the incentive for one additional story above the maximum is invoked if the project is in compliance with Article XIV, Green Building Regulations or receives a Silver LEED certification level or equivalent. Since virtually any new building in the corridor would be required to be in compliance with Article XIV anyway, staff recommends that the threshold for this incentive be revised to a more meaningful requirement. Other desirable developer contributions, such as the provision of affordable housing beyond minimum MPDU requirements, housing for those earning less than the MPDU household income range, or additional publicly accessible open space could trigger the additional height incentives instead.

Minimum ceiling heights are provided in the building form standards. First floors must have a minimum ceiling height of 15 feet for all frontages except Urban Neighborhood where ground floors would be occupied by lower density residential. The form code requires a 10-foot minimum ceiling height for upper floors. No minimum ceiling height is provided in the current zoning ordinance for upper floors in the mixed use zones (although the City's building code does require a minimum ceiling height of 7 feet or more, depending on use.) The design guidelines for the existing mixed use zones also note that the ground floor "should normally have a ceiling height of at least 15 feet" (25.13.07.2). However, this is not an absolute requirement under the existing zoning ordinance.

There has been testimony in objection to the minimum ceiling height requirement of 10 feet for upper floors, stating that this requirement could result in higher construction and heating and cooling costs, thereby conflicting with the environmental objectives of the draft plan. The justification for this minimum is that it allows buildings to more readily change uses over time.

Staff recommends keeping the 15-foot minimum ceiling height for ground floors but removing the ceiling height minimum for upper floors in the South Pike Urban Corridor frontage.

Straw Votes: The Planning Commission will need to make decisions on the following for this street frontage:

- regulating height by stories rather than feet
- the number of maximum stories (or the maximum number of feet) for The South Pike Urban Corridor Street Frontage
- allowing an additional story or stories as an incentive under certain circumstances and what those circumstances should be
- minimum building heights (2 stories in draft code), if any
- minimum ceiling heights on the ground floor and on upper floors, if any
- minimum retail depths, if any
- requiring that all buildings in this street frontage have mixed uses; requiring a vertical mix of uses

Parking (page 29, top)

The allowable parking area is illustrated by the diagram at the top of page 29. Parking is set further back than the building at the front and side streets, but the rear setback is 5 feet. As with the building placement, the front setback would need to be adjusted if the boulevard cross section is changed.

Staff recommends measuring the parking front setback from the build-to line instead of the property line because the parking should be defined in relation to the building rather than ownership lines. Staff further recommends that all of the parking setback standards be minimums instead of exact standards, and that underground parking not be subject to setbacks, but be allowed to be located up to the property line.

The number of required parking spaces for all frontage types is provided in Table 1.2.3.F on page 44. The draft recommends that spaces be required for individual ground floor uses that are less than 3,000 square feet. The intent is to encourage small retail uses. Different parking ratios are provided for ground floor uses that are each more than 3,000 square feet, depending on street frontage. A potential outcome is that a 30,000 square foot building with a dozen small retail uses may not be required to provide any parking, while the same size building that houses one retailer would need to provide 45 spaces.

To avoid such an outcome, staff recommends that no off-street parking be required for total ground floor uses that comprise less than 3,000 gross square feet of a building, but buildings that have a total of more than 3,000 gross leasable square feet of ground floor space must provide some parking, subject to ratios described below.

The form code parking ratios are founded on the concept that the corridor will become significantly more urban and multi-modal over time and will therefore require significantly less parking than is required by the existing zoning ordinance. The form code ratios also acknowledge differences within the corridor. The South Pike Urban Corridor frontage requires one parking space per 600 square feet for ground floor uses that are larger than 3,000 square feet. This is more parking than is required in the Urban Core close to the Twinbrook Metro Station, but less parking than would be required in the Urban General and Urban Center frontages. Throughout the plan area, 0.5 parking space is required for studio residential units and one space is required for one-bedroom and larger residential units. One space per 800 square feet of upper floor, non-residential space is required in the entire plan area.

As a comparison, more parking is required by the existing zoning ordinance. One space per 200 square feet of retail and one space per 300 square feet of office is currently required. Studio and one-bedroom residential units require one parking space and two-bedroom and larger units require 1.5 spaces.

Staff recommends that the parking ratios in Article 16 of the zoning ordinance be used as the baseline requirement and the ratios of the form code, which would result in less parking provided, be allowed only with approval from the appropriate approving authority, whether it is the Planning Commission or the Mayor and Council. An advantage of this approach is that it would permit the City to evolve with the market. Developments that are built before the infrastructure becomes pedestrian-friendly may need more parking than those that come later.

The individual parking space and aisle dimensions are consistent with the zoning ordinance. An 18-foot-wide maximum parking drive is permitted and must not be located on a primary street (Rockville Pike would be the primary street in the South Pike Urban Corridor frontage) unless there is no other option. The code notes that wider parking drives may be needed to accommodate emergency vehicles. Parking may be provided off-site within 1,300 feet or as shared parking. Bicycle parking requirements are the same as in the current zoning ordinance.

Straw Votes:

Does the Planning Commission support staff's recommendations for parking setbacks?

Does the Planning Commission support staff's recommended hybrid approach to the number of required parking spaces?

Encroachments (page 29, bottom)

Encroachments are defined in the form code glossary as “Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public frontage, or above a height limit.” They are allowed, and even encouraged, in order to provide greater articulation to facades. In the South Pike Urban Corridor street frontage, such elements are allowed to encroach (project toward the street) up to 12 feet in the front; up to 8 feet on the side street; and up to 4 feet in the rear. The form code does not specifically define what types of structural elements may encroach or what the full dimensions (width) of these encroachments may be. The code also does not provide standards for vertical encroachments, implying that the standards of the existing zoning ordinance would apply for encroachments (mechanical equipment, etc.) that extend beyond maximum building heights.

Staff recommends adding two notes to this section. The first is that encroachments over utility easements shall be constructed to be easily removable or maintain a clear height of a to-be-determined number of feet. The second recommended note states that encroachments that exceed a width of more than 20% of the linear building façade at the build-to line require approval from the appropriate approving authority.

Straw Votes:

Should the form code identify the elements that may encroach into the setback?

Does the Planning Commission agree with the staff recommendations that encroachments beyond a certain width would require Planning Commission or Mayor and Council approval?

Does the Commission agree with staff's recommendation for encroachments over utility easements?

Land Use Types (page 30)

Permitted, Conditional, and Not Permitted use types for this street frontage are listed in the form code. Conditional uses are subject to Section 25.07.06, Level 3 Site Plan Review, and must be evaluated against five criteria listed on page 76 of the form code, section 1.10.5, Conditional Uses. This approach would need to be modified in the draft plan as the City has eliminated Level 3 Site Plan Review since the release of this draft.

The theory of form-based codes is that they are supposed to focus more on form than on use. Although form has been elevated in this draft plan, uses are still regulated. We have received testimony that this draft code is too restrictive about what land uses should be allowed and prohibited in the plan area. There has been testimony objecting to the concept of prohibiting automobile dealerships and some uses that contribute to night life and entertainment in certain zones, for example, as noted in the September 7, 2011 staff memo.

Staff's assessment is that the draft form code is not sufficiently clear on this matter, especially with respect to auto dealerships. The form code does not specifically exclude auto dealerships (see Prohibited Uses, p. 86), yet they are not listed as examples of permitted General Retail either (see General Retail, p. 83). Furthermore, there is a footnote on the land use tables for each street frontage that states that “use types not listed are not permitted”.

Staff recommends that auto dealerships not be prohibited and that other uses that the Planning Commission thinks should be permitted should also be identified and included in the land use tables, or an amended version of the tables.

Regarding testimony on uses that contribute to night life and entertainment, alcoholic beverage sales are a conditional use in most of the form code street frontages, meaning that they would be reviewed by the Planning Commission to ensure that they meet certain provisions. The existing zoning ordinance differentiates between alcohol sales for consumption off premises and alcohol sales as a function of a restaurant use. Off-premises alcoholic beverage sales are currently permitted in the MXCD and MXTD zones. Alcohol sales as a function of a restaurant use requires that a facility offer hot and cold food during all hours in which alcoholic beverages are offered for sale. Bars or taverns that do not offer more than bar snack foods are not permitted in Montgomery County. Staff, therefore, recommends that “bars, taverns and night clubs” be removed from the land use types table.

We have received some testimony that encourages the plan, in general, to identify nightlife and/or activity zones within the corridor, where entertainment uses would be accommodated, though mechanisms for achieving this goal have not been identified.

Recreation, education, and public assembly uses are differentiated as either permitted (P) or Conditional (C) in the form code's land uses tables, based on size of the use. Staff believes that these size variations are not very meaningful or important and that larger recreation, education and public assembly uses (such as a theatre) can be very appropriate uses for this street frontage. Staff recommends that all of the uses in this section, regardless of square footage, be permitted uses. Staff further recommends that all home occupations be permitted, rather than conditional, uses.

Straw Votes:

What uses, if any, should not be included as permitted uses in the South Pike Urban Corridor Street Frontage?

What uses, if any, should be identified as conditional uses?

Should performance standards be implemented to avoid nuisances and conflicts with adjacent uses rather than prohibiting uses altogether?

Should retail and services be allowed on all floors in this street frontage?

Should residential uses be permitted on ground floors as long as they do not front on the Pike?

Should residential uses be permitted on ground floors of side streets? (This question may be better addressed when the Commission is evaluating all the frontages).

Should specific parts of the plan area be identified as "entertainment" or other such districts where specific uses would be encouraged?

Frontage and Building Types (pp. 50-53)

Frontage and building types are provided to complement the building form standards. Frontage and building types that are considered appropriate to the Urban Corridor street frontage are listed at the bottom of pages 29 and 30, respectively. They are also illustrated and described in Tables 1.6 on pages 50-51 and Table 1.7 on pages 52-53.

The plan consultants have indicated that the building and frontage types presented in the tables are examples of what would be considered appropriate by frontage type but that they do not represent the universe of types that could be approved. Standards are provided for each building and frontage type shown. However, standards are not provided for a prototype that is not identified in the tables but may be considered appropriate for the street frontage. For this reason, the Planning Commission may consider incorporating the building and frontage type standards elsewhere in the code, such as in the architectural standards, and using the illustrations as examples of suitable types, but be clear that they are strictly examples.

Staff recommends deleting frontage and building types from the building form standards tables.

General Comments from October 12 Work Session

While the October 26 work session will focus on making preliminary decisions on the South Pike Urban Corridor standards, we do not want to overlook the broader themes of the October 12 conversation.

At the October 12, 2011 work session with plan consultants Gianni Longo and Kim Littleton, some Commissioners expressed concerns with aspects of the plan vision and the form code that is intended to implement that vision. The Commission seems to be in general agreement on the major land use goals of the draft plan - making the corridor walkable, mixing uses, creating open space, etc. - as these goals were endorsed through the amended development principles. Concerns were raised, however, on the extent to which the form code compels the implementation of specific land use recommendations and the possible outcome.

Some of the general questions that were raised at the October 12 meeting are summarized as follows:

- Can the form code allow for sufficient creativity and flexibility? Can it fulfill the endorsed development principle of creating “distinctive architecture”?
- Will the form code allow the Pike to continue to be a series of places? Can the different standards of the ten street frontages accommodate the different conditions, constraints and opportunities found in different parts of the corridor?
- Will businesses/retailers be able to adapt to the requirements of the code (allowing a variety of establishments to locate or remain in the corridor as well as the ability to make certain structural changes without having to fully conform to the code)? Does the code allow for the management of gradual change in the corridor?

As noted above, many other issues were raised during the work session. These are just some of the topics that should continue to be discussed as the Commission works through all of the street frontages of the form code. These questions can serve as “tests” as the Commission makes decisions on the components of the code.

Next Steps

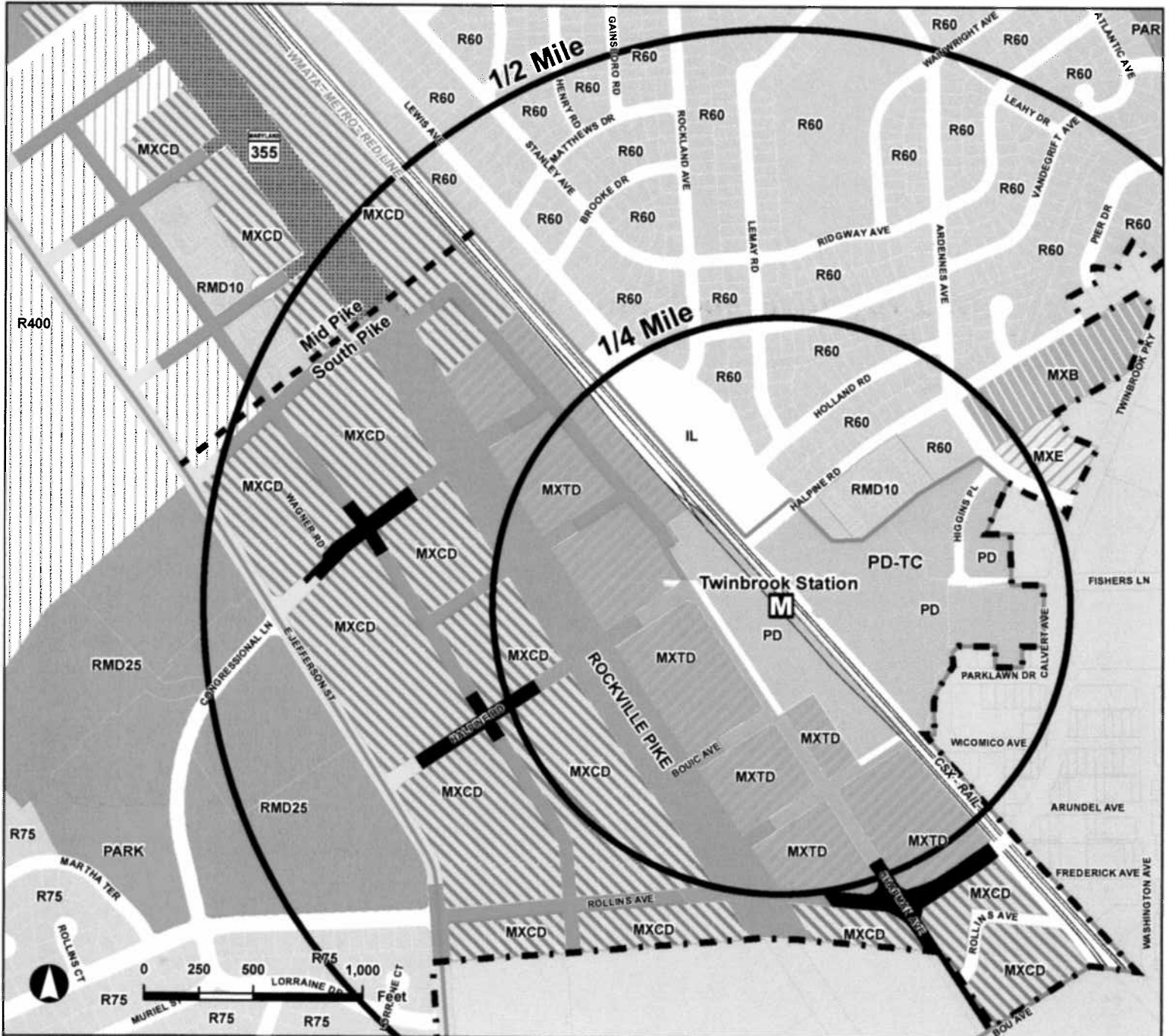
- 1) Staff recommends that the Planning Commission direct staff to return to the Planning Commission on November 9 with recommended changes to staff’s strike-through version of the South Pike Urban Corridor Street Frontage based on the results of the straw votes from the October 26 session. Staff also recommends that the November 9 discussion be broadened to include the other street frontages and that the discussion of open space, sidewalks and trees be deferred to a later meeting.
- 2) Staff recommends that the Planning Commission discuss the work session calendar at the October 26 work session as it is likely that the form code will take more time to work through than was originally scheduled. There are other topics, such as financing, and outstanding transportation issues that will need to be scheduled.

Attachment:

1. South Pike Urban Corridor Building Form Standards, pp. 27- 30, with staff strike-throughs

cc: Susan Swift
 Andrew Gunning
 Mayra Bayonet
 Clark Larson
 Deane Mellander
 Craig Simoneau
 Emad Elshafei
 Peter Campanides

Existing Zoning Districts, Proposed Form Code Frontages & Walking Radii



LEGEND

- Rockville City limits
- Rockville Pike Plan Study Area

Proposed Rockville Pike Plan Frontages

- Urban Core
- Urban Corridor - South Pike
- Urban Corridor - Mid Pike
- Urban Center
- Urban General
- Urban Neighborhood

ALLOWABLE BUILDING HEIGHTS BY ZONE / FRONTAGE

Existing Zoning Districts

- PD-TC (Planned Development - Twinbrook Commons) = 145'-170' max.
- MXTD (Mixed-Use Transit District) = 120'-150' max.
- MXCD (Mixed-Use Corridor District) = 75' max.
- RMD-25 (Medium Density Residential) = 75' max.
- RMD-10 (Medium Density Residential) = 35' max.
- R-60 & R-75 (Single Unit Residential) = 35' max.

Proposed Rockville Pike Plan Frontages

- Urban Core = 11 stories (~130') max.
- Urban Corridor (North/South) = 7 stories (~84') max.
- Urban Corridor (Mid) = 5 stories (~61') max.
- Urban Center (South) = 6 stories (~72.5') max.
- Urban Center (North) = 5 stories (~61') max.
- Urban General = 5 stories (~61') max.
- Urban Neighborhood = 4 stories (~49.5') max.

Disclaimer

This drawing is intended to be used for reference and illustrative purposes only. It is not a legally recorded plan, survey, or engineering schematic and is not intended to be used as such. This drawing is a compilation of records and data developed and maintained in various City offices. Actual or relative geographic position of any feature is only as accurate as its source data.

DATE:
11.1.11

AUTHOR:
CDL